

REMARKS

Overview

In the Office Action under reply, claims 24, 26-30, 38, 40, 91, and 92 are pending, the remaining claims having been canceled previously. Claims 24, 26-30, 38, 40, 91, and 92 stand rejected under 35 U.S.C. §102(e) as anticipated by Parker et al., US 2003/0055190 A1 (hereinafter "Parker"). This rejection is overcome in part by the amendments made herein and is otherwise traversed for at least the reasons set forth below.

Claim Amendments

With the amendments made herein, claims 24, 26-30, and 92 have been canceled. In addition, claims 38 and 91 have been amended to specify the orientation of the group L¹ with respect to the polymer backbone. No new matter is added by this amendment because it merely drops certain options for L¹ which the Examiner found to be present in those claims prior to the amendment. Specifically, if one uses the symbol ~ to denote the bond through which L¹ attaches to the polymer backbone, then where applicants wrote that L¹ can be -O-(CO)-, the Examiner interpreted that to mean that L¹ could be either ~O-(CO)- or ~(CO)-O-. The amendment to claims 38 and 91 merely drops the option ~(CO)-O- and the similar options for the other possibilities listed for L¹.

Rejection under 35 U.S.C. §102(e)

Claims 24, 26-30, 38, 40, 91, and 92 stand rejected under 35 U.S.C. §102(e) as anticipated by Parker. The Examiner cites the reasons set forth in paragraph 4 of the Office Action dated April 6, 2006. This rejection is traversed.

Regarding the rejection of claims 24, 26-30, and 92 applicants are canceling these claims without prejudice, and hereby reserve the right to prosecute these claims in one or more divisional application(s). The rejection with respect to claims 24, 26-30, and 92 is therefore moot.

Regarding the rejection of claims 38, 40, and 91, the Examiner states that "L¹ groups as written do not require the oxygen, sulfur, to be directly attached to the polymer backbone. Therefore, the L¹ groups as written can include the carbon of the recited functional groups to be directly attached to the polymer backbone." (Office Action at 4.) With the amendments made


herein, applicants have amended the claims to specify the orientation of the L^1 groups with respect to the polymer backbone. Thus, the materials of Parker do not satisfy the limitations of claims 38, 40, and 91. Neither the SWM of formula (I) nor any of the at least one second monomers discussed in Parker (including the monomer cited by the Examiner) contain a repeat unit that contains $-L^1-Sp-p^*$ attached to the polymer backbone, wherein L^1 and Sp are as defined above. In particular, according to the definition of L^1 , the repeat unit must have an oxygen, sulfur, amide, or $-(CO)-S-$ moiety that is attached directly to the polymer backbone and further attached to a poly(alkylene oxide) moiety. None of the compounds in Parker contain such a repeat unit. Accordingly, the disclosure of Parker does not anticipate claims 38, 40, and 91, and withdrawal of the rejection is respectfully requested.

CONCLUSION

For at least the foregoing reasons, applicants respectfully submit that the claims are in condition for allowance, and respectfully request an indication of allowable subject matter. Prompt mailing of a Notice of Allowance would be very much appreciated.

Should the Examiner have any questions concerning this communication, or wish to discuss the application so as to preclude need for a further Action, he is invited to contact the undersigned at (650) 251-7724.

Respectfully submitted,

By: 
Isaac Rutenberg
Registration No. 57,419
c/o MINTZ LEVIN
1400 Page Mill Road
Palo Alto, California 94304-1124
(650) 251-7700 Telephone
(650) 251-7739 Facsimile
Customer Number 23980